

10. Please provide a detailed description of any corrective or punitive actions implemented by the institution as a result of the violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations upon which the actions were based. Additionally, indicate the date that any corrective or punitive actions were implemented.

As part of the review of the issues addressed in this Response, an important focus for the University has been on identifying and implementing appropriate corrective actions to avoid the recurrence of the types of NCAA rules violations found. The University's actions have included the shifting of internal reporting lines for the athletics compliance function, analyzing vendors for the purpose of purchasing a department-wide "turnkey" software solution to automate and monitor athletics compliance functions in real time, the implementation of comprehensive rules-education initiatives for various areas; and an analysis of the appropriate institutional penalties to self-impose to address the violations that did occur. Details of the University's actions are set forth below.

Corrective Actions and Remedial Measures

Specific corrective actions are:

- Changed the internal reporting responsibilities for the office of athletics compliance so that it now reports to a University compliance office outside of athletics. This change is seen by the University as providing the athletics compliance office with more autonomy and the ability to have a non-athletics destination with which to confer for situations such as the issues addressed in

this Response. This organizational change was implemented on November 9, 2011. See Exhibit 10-1.

- Scheduled a comprehensive athletics compliance review, to be conducted by an outside evaluator, to ensure that the current athletics policies and practices conform to all requirements of NCAA regulations. The on-campus visit portion of this review occurred in mid-January 2012.
 - Further, contracted with the same evaluator to conduct athletics compliance “audits” in selected areas (e.g., recruiting, eligibility certification) for the University over the ensuing four academic years.
- Entered into discussions with outside vendors to purchase a comprehensive “turnkey” software solution for the athletics compliance operation in order to automate athletics compliance functions and enhance the University’s ability to monitor critical athletics compliance areas in “real time.” The University has been in contact with several private compliance software solutions companies to determine which product can best provide a compliance solution for the UCFAA and all of its sports.
- Planned an internal review of single-game and “seasonal” all-access passes to better understand who has access to these benefits and to more accurately monitor their recipients.

- Enhanced the University's annual rules compliance educational program for coaches, administrators and staff conducted/coordinated by the athletics compliance office, with particular emphasis on the conduct of and interactions with representatives of the University's athletics interests and other third parties, as they may be associated with recruiting. See Exhibit 10-2.
- Requirement that Donnie Jones, head men's basketball coach, and Darren Tillis, assistant men's basketball coach, attend a 2012 NCAA Regional Rules Seminar.
- Accepted the resignations of former director of athletics Keith Tribble and former assistant football coach David Kelly from their positions as a result of their involvement in this case. Tribble and Kelly left their positions on November 9, 2011.
- Appointed Todd Stansbury as director of athletics to replace Tribble effective January 10, 2012.
- Issued letters of permanent disassociation to Ken Caldwell and Brandon Bender. See Exhibits IN-3 and 10-3.

Self-Imposed Penalties

The University agrees with the enforcement staff that the scope of the violations in this case warrant classifying the case as “major” in nature. This classification prompted the University to review and carefully analyze the list of penalties for major violations set forth in NCAA Bylaw 19.5.2. The list consists of 12 items: (1) public reprimand and censure; (2) a probationary period of up to five years (which includes a periodic in-person monitoring system and written institutional reports); (3) suspension of involved institutional staff members; (4) a reduction in the permissible number of financial aid awards; (5) a reduction in the number of expense-paid recruiting visits in the involved sport; (6) prohibitions or limitations on off-campus recruiting activities in the sport; (7) prohibition against specified competition in the sport (e.g., postseason competition, foreign tours, exempt events); (8) vacation of individual and team records; (9) imposition of a financial penalty; (10) prohibition of television appearances; (11) requirement that disciplinary action, including possible termination of employment, be taken against all institutional staff members determined to have knowingly engaged in or had knowledge of a major violation; and (12) other penalties as appropriate.

The University understands, based on a review of previously decided infractions cases, that the list of penalties set forth in Bylaw 19.5.2 is designed to provide flexibility for imposing a set of penalties that “fit” the scope and nature of the violations found in each case. Similarly, the University also understands that in those cases in which the violations are particularly egregious or when a substantial recruiting or competitive

advantage was gained, the committee has the authority to impose additional sanctions that it deems appropriate to the facts of a specific case. Finally, and perhaps most important, the University understands that it may be subject to the "repeat violators" legislation found in Bylaw 19.5.2.1 and has taken all three of these factors into consideration as it evaluated penalties to self-impose.

Applying these overriding principals to this case, the University considered that the majority of the violations identified relate to NCAA recruiting regulations. Accordingly, the University has imposed elements of the major violations penalties involving recruiting restrictions for the football and men's basketball programs. Those restrictions are intended to address the fact realized by the University that its football and men's basketball programs were acting for a period of time with what in essence was an additional recruiter (i.e., the actions of Ken Caldwell and his associate Brandon Bender). Accordingly, the institution has implemented penalties that not only reduce available on- and off-campus recruiting activities (e.g., official visits and evaluation opportunities), but also has implemented a reduction in the number of staff members in those two sports allowed to engage in off-campus recruiting activities at any one time.

The University also determined it would be appropriate to self-impose a significant period of probation (i.e., a period of time during which there would be a higher level of monitoring and reporting obligations to the NCAA); a reduction in the permissible number of grants-in-aid in men's basketball (because one student-athlete involved in the violations, ██████████ competed while ineligible over the course of two seasons

before the violations were realized and his eligibility was reinstated with appropriate withholding and repayment conditions); limitations impacting both on- and off-campus recruiting activities in the sports of men's basketball and football; a written reprimand to current institutional staff members involved in the violations; game suspensions for two members of the men's basketball staff and a salary freeze for both; and a recertification to the NCAA of compliance with all rules and regulations. Accordingly, the University recommends and will self-impose the following punitive actions:

- Imposition of a three-year period of probation during which the University will provide annual written reports to the NCAA explaining and affirming its compliance with NCAA legislation (this three-year period would be added to the University's existing probationary period, which was set to expire on February 10, 2012);
- Vacation of all wins for the 2008-09 and 2009-10 academic years in men's basketball due to the ineligible participation of student-athlete [REDACTED];
- Reduction in the athletics financial aid awards for the sport of men's basketball as follows:
 - Reduce by one, from 13 to 12, the permissible number of grants-in-aid in the sport of men's basketball for the 2012-13 and 2013-14 academic years.

- Reduction of the number of permissible recruiters allowed off the University's campus "at any one time" as follows:
 - Reduce by one, from seven to six, the maximum number of full-time coaches permitted to be off-campus recruiting at any one time in football for the 2012-13 and 2013-14 academic years;
 - Reduce by one, from 3 to 2, the maximum number of full-time coaches permitted to be off-campus recruiting at any one time in men's basketball for the 2012-13 and 2013-14 academic years;
 - Further, prohibit the head men's basketball coach and assistant men's basketball coach from engaging in any off-campus recruiting activity during two of the three July evaluation periods (e.g., head coach prohibited from off-campus recruiting activities during the first Wednesday through Sunday July evaluation period, and assistant men's basketball coach prohibited from off-campus recruiting activities during the second Wednesday through Sunday July evaluation period) for the July 2012 and July 2013 evaluation periods;

- Reduction in the available number of recruiting person days by 25 in the sport of men's basketball (from 130 to 105) for each of the 2012-13 and 2013-14 academic years;
- Reduction in the available number of recruiting evaluation days by nine in the fall evaluation period (from 42 to 33) and 34 in the spring evaluation period (from 168 to 134) in the sport of football for each of the 2012-13 and 2013-14 academic years;
- Reduction in official paid visits in the sports of football and men's basketball for each of the 2012-13 and 2013-14 academic years. Official visits allowed (August 1, 2012 – July 31, 2014) shall not exceed 27 total per year in football and seven total per year in men's basketball. This recommendation is based upon a 20 percent reduction of the average annual official visits used by the University during the previous four years.
- Issued letters of reprimand to head men's basketball coach Donnie Jones (see Exhibit 11-1), head football coach George O'Leary (see Exhibit 11-3) and assistant men's basketball coach Darren Tillis (see Exhibit 11-2).
 - Further, Jones and Tillis were suspended for three contests and two contests, respectively, beginning with the opening of Conference USA league play during the 2011-12 season. Jones served his suspension

without pay from January 4, 2012, through January 11, 2012, and missed contests against Tulane University, East Carolina University and the University of Houston. Tillis served his suspension during the Tulane University and East Carolina University contests;

- Precluded Jones and Tillis from being eligible for salary increases and/or bonuses for the 2012 and 2013 fiscal years.

The University has invested significant time and expense to assure the thoroughness of the examination and the objectivity of the corresponding analysis of its self-imposed corrective measures and penalties. Throughout this inquiry, the University has maintained a commitment not only to determine what has happened, but also to make necessary personnel changes and commitments to avoid any recurrence of the violations, and to identify the appropriate corrective, disciplinary and punitive actions. Toward that end, the University has concluded that further penalties are not warranted.